

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAWN CORY GREEN,

Defendant.

CASE NO. CR20-0027-JCC

ORDER

THIS COURT having considered the parties' stipulated motion (Dkt. No. 32), the record in this matter, the parties' positions as stated in the status hearing held October 27, 2020, and General Orders 01-20, 02-20, 03-20, 04-20, 07-20, 08-20, 13-20, and 15-20 of the United States District Court for the Western District of Washington, addressing measures to reduce the spread and health risks from COVID-19, which are incorporated herein by reference, hereby FINDS:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle and King County regarding social distancing measures required to stop the spread of COVID-19, it is not possible at this current time to proceed with a jury trial in this matter. Per General Order 15-20, trials will resume on a very limited basis in November and December 2020, and continuing into 2021.
2. At the status conference on October 27, 2020, the Court granted court-appointed

1 attorney Gregory Geist's motion to withdraw and substitute attorney Brett Purtzer,
2 who has been retained as private counsel by Mr. Green. Mr. Purtzer is new to the case
3 and will need additional time to fully review discovery, consider potential defenses,
4 and discuss the case with Mr. Green, as well as research legal motions and prepare for
5 trial if a plea resolution cannot be reached.

- 6 3. For the foregoing reasons, the Court finds that the failure to grant a continuance of the
7 trial date in this case would result in a miscarriage of justice. *See* 18 U.S.C.
8 § 3161(h)(7)(B)(i). Given the timing of Mr. Purtzer's substitution, it is unreasonable
9 to expect adequate preparation for pretrial proceedings or for the trial itself within the
10 time limits established by the Speedy Trial Act. The failure to grant a continuance
11 would deny defense counsel the reasonable time necessary for effective preparation,
12 taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).
13 Accordingly, pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of
14 justice served by continuing the trial in this case outweighs the best interest of the
15 public and the defendant in a speedier trial.

16 IT IS THEREFORE ORDERED that the trial date is continued to March 15, 2021. The
17 pretrial motions deadline is continued to January 18, 2021.

18 IT IS FURTHER ORDERED that the period time from the previously scheduled trial
19 date of May 11, 2020, up to and including the new trial date of March 15, 2021, shall be
20 excludable time pursuant to 18 U.S.C. § 3161(h)(7)(A).

21 DATED this 30th day of October 2020.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE